

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**WILLIAM MCGHEE,**

**Plaintiff,**

**v.**

**CIV-04-0239 MV/LAM**

**JOE WILLIAMS, et al.,**

**Defendants.**

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION (Doc. 242)**

**THIS MATTER** is before the Court on Magistrate Judge Lourdes A. Martínez' Proposed Findings and Recommended Disposition (*Doc. 242*), filed on August 23, 2007. No party has filed objections to the proposed findings and recommended disposition and the deadline for filing objections has passed. The Court has determined that it will adopt the Proposed Findings and Recommended Disposition (*Doc. 242*); dismiss with prejudice, *sua sponte* under 42 U.S.C. §1997e(c)(1), Plaintiff's claims under 42 U.S.C. § 1983 for monetary relief against Defendants Williams, Bustos and Prescott; in their official capacities; deny as moot Defendant John Shanks' Motion for Summary Judgment or Dismissal (originally filed as *Doc. 87* and renewed as *Doc. 219*); deny Defendants' Motion for Summary Judgment or Dismissal (originally filed as *Doc. 38* and renewed as *Doc. 218*); and deny Defendants' Amended Defendants' Motion for Summary Judgment or Dismissal (originally filed as *Doc. 89* and renewed as *Doc. 220*).

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 242*) are **ADOPTED** by the Court.

**IT IS FURTHER ORDERED** that Plaintiff's claims under 42 U.S.C. § 1983 for monetary relief against Defendants Williams, Bustos and Prescott in their official capacities are **DISMISSED with prejudice**, *sua sponte* under 42 U.S.C. §1997e(c)(1), for the reasons set forth in the Proposed Findings and Recommended Disposition (*Doc. 242*).

**IT IS FURTHER ORDERED** that Defendant John Shanks' Motion for Summary Judgment or Dismissal (originally filed as *Doc. 87* and renewed as *Doc. 219*) is **DENIED as moot** for the reasons set forth in the Proposed Findings and Recommended Disposition (*Doc. 242*).

**IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment or Dismissal (originally filed as *Doc. 38* and renewed as *Doc. 218*) and Defendants' Amended Defendants' Motion for Summary Judgment or Dismissal (originally filed as *Doc. 89* and renewed as *Doc. 220*) are **DENIED** for the reasons set forth in the Proposed Findings and Recommended Disposition (*Doc. 242*).

**IT IS SO ORDERED.**

  
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MARTHA VALQUEZ  
UNITED STATES DISTRICT JUDGE